



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CWP No.23140 of 2014 (O&M)
DATE OF DECISION : 14th May, 2025

Shanti Devi

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE KULDEEP TIWARI

* * * *

Present : Mr. Mansur Ali, Advocate and
Mr. Imran Ali, Advocate for the petitioner.
Mr. Rajesh Gaur, Addl. A.G., Haryana.
Mr. Ravi Kamal Gupta, Advocate for respondent No.2-CBI.

* * * *

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition prayer is made for transfer of investigation in case FIR No.283 dated 03.12.2013 (Annexure P-3), registered under Sections 302 & 120-D IPC at Police Station Badhra, District Bhiwani, to respondent No.2-Central Bureau of Investigation, Chandigarh.

2. During the perusal of the record, it transpires that in the instant case the closure report has already been filed by the investigating agency before the learned Illaqa Magistrate concerned, and the same is pending adjudication before that Court.

3. The Co-ordinate Bench of this court vide order dated 11.02.2019 passed the hereinafter extracted order:

“The present petition has been filed for transfer of investigation in case FIR No. 283 dated 03.12.2013, registered under Sections 302 and 120-B



of Indian Penal Code, 1860, at Police Station Badhra, District Bhiwani.

The petitioner alleges that her son was killed in a fake encounter in broad daylight by private respondents No. 5 to 7, who are Assistant Superintendent of Police, Deputy Superintendent of Police and the then Inspector, CIA, Staff, respectively.

Learned State counsel as also learned counsel appearing for respondent No. 7 state that during the pendency of the writ petition, the investigation qua aforesaid FIR has been concluded and closure report has been filed before the learned Illaga Magistrate, Charkhi Dadri.

It is made clear that pendency of the present writ petition shall not be construed as a hindrance for the learned Illaga Magistrate to proceed with the closure report in accordance with law.

Learned counsel for the petitioner states that the petitioner should be granted liberty to file objections to the said closure report before the learned Illaga Magistrate.

Adjourned sine die to await the outcome of the proceedings qua the closure report filed before the learned Illaga Magistrate.

In the meanwhile, the parties are free to assist the learned Illaga Magistrate through their respective counsels for further proceedings on the closure report, in accordance with law.”

4. Today learned counsel for the petitioner submits that he is not aware, as to whether, the petitioner has filed any objection in that



case, or not, and what is the final adjudication by the learned Illaqa Magistrate concerned.

5. Be that as it may be, since similar issue is pending adjudication before the learned Illaqa Magistrate concerned, therefore, there is no reason for this court to keep this petition alive, specifically, when the outcome of such objections would give a new cause of action to the petitioner, in case she fetches grievance therein.

6. Therefore, the instant petition is **disposed of**. However, the petitioner would be at liberty to pursue her case before the learned Illaqa Magistrate concerned.

7. The pending application, if any, is also **disposed of** accordingly.

14th May, 2025
'raj'

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*